

Patent

Atty. Docket: J466-001 CON

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being forwarded, via facsimile, to Kenya A. McLaughlin, Office of Petitions, at 703-308-6916 on March 19, 2003.

Annita Lise

Dated: 3/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Herve Laurent
Serial No. : 09/931,400
Filing Date : August 16, 2001
Examiner : N/A
Group Art Unit : N/A
For : ARRANGEMENT FOR RESEALING
CARBONATED BEVERAGE CONTAINERS

Box DAC
Commissioner for Patents
Washington, D.C. 20231

Attention: Kenya A. McLaughlin, Esq.

**PETITION TO REVIVE
UNAVOIDABLY ABANDONED APPLICATION
UNDER 37 C.F.R. 1.117(I)**

FAX RECEIVED

MAR 19 2003

PETITIONS OFFICE

Sir:

The Commissioner is respectfully requested to revive the above-identified application as being abandoned unavoidably.

On February 5, 2003, while doing a status check with the USPTO, the undersigned learned that the above-identified application had been abandoned for failure to respond to a Notice to File Corrected Application Papers, which counsel learned was mailed on September 13, 2001, but never received by the undersigned. Enclosed is a facsimile copy of the Notice, which was forwarded to the undersigned, via facsimile, on February 5, 2003.

The undersigned receives all mail concerning patents and patent applications prosecuted by Notaro & Michalos P.C., and verifies that the Notice to File Corrected Application Papers dated September 13, 2001 was never received at the firm's office address which was then 350 Fifth Avenue, Suite 6902, New York, New York 10118.

As evidence that the Notice was never received, attached please find copies of pages from the undersigned's docket sheets which he personally updates, spanning the period between October 12, 2001 and November 17, 2001. Also attached is a copy of the cover of the file folder for this application, Serial No. 09/931,400 and for comparison, a copy of the file folder for Application No. 09/221,461, which was eventually issued as a patent to the same inventor.

It is the undersigned's usual docketing procedure when a document is received from the U.S. Patent and Trademark Office which requires reply, to enter the file number and a brief description of what is due one month earlier than the actual due date, as well as on the actual due date.

The Notice being mailed on September 13, 2001 would have been entered for call-up at October 13, 2001 and November 13, 2001. The dates for October 13, 2001 and November 13, 2001 do not include file number J466-001 CON 2, evidencing that the Notice was docketed. It will be seen that various and numerous other entries were made both in typing and by hand entry for other file numbers with other various actions due.

The undersigned, at the same time, enters a due date on the face of the file wrapper itself, as evidenced by the file wrapper for file number J466-001 US. No such entries appear on the file wrapper for the present application, J466-001 CON 2.

This Petition is also being submitted with the missing parts; specifically, the drawing sheets with corrected margins.

For the foregoing reasons, the Commissioner is respectfully request d to revive this application as being unavoidably abandon d and forward the application to the appropriate examiner for examination.

Since this application has become unavoidably abandoned through no fault of the undersigned, Counsel believes that no fee should be required. However, to expedite this matter, Counsel is authorizing the Commissioner to charge our Deposit Account No. 14-1431 in the amount of \$55.00 for the petition fee based on small entity status.

Favorable and prompt action is respectfully requested, particularly in view of the abandonment of this application.

Respectfully submitted,



Peter C. Michalos
Reg. No. 28,643
Attorney for Applicant(s)
Phone: 845-359-7700

Dated: 3/19/03

NOTARO & MICHALOS P.C.
100 Dutch Hill Road
Suite 110
Orangeburg, New York 10962-2100

Customer No. 21706

PCM:al
Encs.